

REMARKS

Claims 1, 2, 4, 6-11, 15, 33-38, 40-42, 44-47, 49-52, and 54 are pending in this application. Claims 1 and 33-36 are independent claims. Claims 1, 2, 4, 6-11, 15, 33-36, and 38 are amended. Claims 3, 5, 12-14, and 16-32, 39, 43, 48, and 53 are cancelled.

Claim Rejections – 35 U.S.C. § 101

Claims 1, 2, 4 and 6-15 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants respectfully traverse.

The Applicants agree with the Examiner that nonfunctional descriptive material recorded on a computer-readable medium is not statutory. However, the Applicants submit that the “physical computer-readable medium having an executable data structure for managing reproduction duration of still images recorded thereon by a reproducing apparatus,” as recited in claim 1, recites functional descriptive material rather than nonfunctional descriptive material for the reasons set forth below.

Nonfunctional descriptive material includes, but is not limited to, music, literary works, and a compilation or mere arrangement of data. Functional descriptive material, however, consists of data structures and computer programs which impart functionality when employed as a computer component. A data structure is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).

Regarding computer readable mediums encoded with functional descriptive material, the Applicants direct the Examiner to MPEP § 2106.01 which states:

When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally ***interrelated to the medium*** and will be statutory in most cases since the use of the technology permits the function of the descriptive material to be realized.

Furthermore, MPEP § 2106.01(I) states:

A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.

Claim 1 is drawn to a “physical computer-readable medium having an executable data structure for managing reproduction duration of still images recorded thereon by a reproducing apparatus.” The data structure stored on the computer readable medium dictates how the reproducing apparatus reproduces the data. For example, the physical computer-readable medium includes “a navigation area storing at least one playlist file...the playlist file including at least one playitem...the playitem indicating an in-point and out-point of the first stream file for reproducing the presentation data and providing first and second duration information for display of the still picture in the still picture unit.” Accordingly, because the physical computer readable medium recited in claim 1 stores a data structure for managing reproduction duration of a data stream by a reproducing apparatus, claim 1 is believed to be directed towards a computer readable medium storing functional descriptive material which is statutory per MPEP § 2106.01. In light of the above arguments and amendments, the Applicants respectfully request that the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4, 8-11, 13-15, 33, 34, 38-40 and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa), US 2002/0145702 (Kato) and US Patent 6,157,769 (Yoshimura et al). Applicants respectfully traverse this rejection.

Initially, the Applicants note the independent claims (claims 1 and 33-36) recite: 1) “audio data for reproduction with the still images asynchronously”; and 2) “the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and the second duration information indicates a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.” The Applicants submit that at least these features distinguish the independent claims from the prior art for the reasons set forth below.

I. Audio Data For Reproduction with the Still Images Asynchronously

The Applicants submit that Okada discloses reproducing still images and audio data synchronously rather than “asynchronously,” as recited in claims 1 and 33-36. As explained in column 4 of Okada’s disclosure, an identification flag (Audio_Flag) is used to “detect whether or

not the sound accompanying the still picture exists.” (see column 4, lines 41-43). If the flag is set, sound is reproduced synchronously with the picture data. For example, in column 4, lines 35 – 40, Okada states:

An optical disc reproducing apparatus for reproducing an optical disc according to the present invention comprises a decoder buffer, a decoder, an output section, and a system controller. When the system controller detects that the identification flag (Audio_Flag) is set, *it synchronously reproduces still picture data in the first system stream and audio data in the second system stream.*

Accordingly, because Okada discloses an apparatus for reproducing audio data and picture data synchronously, the Applicants submit Okada cannot be relied on for disclosing “audio data being reproduced with the still images *asynchronously*,” as recited in claims 1 and 33-36.

Regarding Yoshimura, the Applicants note Yoshimura discloses reproducing still images and audio data synchronously rather than “asynchronously,” as recited in claims 1 and 33-36. Yoshimura discloses an information recording and reproducing apparatus. As shown in FIG. 8, the apparatus includes a VBV buffer (87), Sub Picture buffer (89), PCI buffer (94), and an Audio buffer (92). As explained in column 21, lines 1-12, the video and audio data is synchronized. In particular, this portion of Yoshimura’s disclosure states:

The audio buffer 92, to which the audio signal Sad is inputted, consists of a FIFO memory, for example. The audio buffer 92 temporarily stores the audio signal Sad and outputs it to the audio decoder 93. *The audio buffer 92 is to synchronize the audio signal Sad with the video signal Sv or the sub picture signal Ssp including the corresponding video information*, and delays the audio signal Sad in accordance with the output condition of the corresponding video information. Then, *the audio signal Sad, which is time-adjusted to synchronize with the corresponding video information (in the signal form as shown in the lower stage of FIG. 7 or FIG. 8), is outputted to the audio decoder 93.*

Accordingly, because Yoshimura discloses an apparatus for reproducing audio data and picture data synchronously, the Applicants submit Yoshimura cannot be relied on for disclosing “audio data being reproduced with the still images *asynchronously*,” as recited in claims 1 and 33-36.

Regarding Kanazawa, the Applicants note Kanazawa likewise fails to disclose reproducing still images and audio data “asynchronously,” as recited in claim 1. The Applicants submit that Kanazawa only discloses that the audio data and moving-picture may be multiplexed. Accordingly, Kanazawa does not disclose the above feature.

Regarding Kato, the Applicants submit the combination of Kato and Okada is improper. Kato is concerned with DVR technology whereas Okada is concerned with DVD technology. Accordingly, the Applicants submit one skilled in the art would not have combined such dissimilar technologies.

Because neither Okada, Yoshimura, and Kanazawa disclose, at least, “audio data for reproduction with the still images asynchronously,” as recited in claim 1, and because the combination of Okada and Kato is improper, the Applicants submit the above feature is not obvious in light of the cited art.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 1 and 33-36, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Yoshimura, Kanazawa, and Kato be withdrawn.

II. The First Duration Information Indicates Whether to Display the Still Picture for One of a Finite and an Infinite Period of Time, and the Second Duration Information Indicates a Length of Time to Display the Still Picture When the First Duration Information Indicates to Display the Still Picture for a Finite Period of Time.

The Examiner, on page 7 of the Office Action, alleges the instant feature is disclosed by Yoshimura, and cites column 3, lines 1-18; column 14, lines 34-40 and 53-63 for support. The Applicants submit, however, that Yoshimura’s duration information provides duration information for presenting the still picture before the reproduction of the corresponding cell is finished and the next reproduced cell is reproduced (see column 14, lines 41-48). Unlike Yoshimura, the duration information recited in claim 1 provides information of a finite duration if the slideshow is time-based or infinite if the slideshow is browsable. Thus, the duration information of the cited reference is different than the duration information recited in claim 1.

The Applicants cannot find the instant feature disclosed in either Okada or Kanazawa, accordingly, even if combined, the combination of Okada, Kanazawa, and Yoshimura would not render “the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and the second duration information indicates a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time,” as recited in claim 1, obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 1 and 33-36, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over the combination of Okada, Yoshimura, Kanazawa, and Kato be withdrawn.

Claims 6, 7, 37 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada) US 6,580,870 (Kanazawa), US 2002/0145702 (Kato), Yoshimura et al (US 6,157,769) as applied to claims 1-2, 4, 8-11, 13-15, 33-34, 38-40 and 42-44, and further in view of US 6,353,702 (Ando). Applicants respectfully traverse this rejection.

For the reasons set forth above, the Applicants submit claims 1 and 33-36 are nonobvious over the combination of Okada, Yoshimura, and Kanazawa because none of the references, either individually, or in combination, disclose, at least: 1) “audio data for reproduction with the still images asynchronously”; and 2) “the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and the second duration information indicates a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.” Ando does not disclose or suggest, nor does the Examiner rely on Ando as disclosing or suggesting, the above discussed features. Accordingly, the Applicants submit claims 6, 7, 37 and 41 are nonobvious over the combination of Okada, Yoshimura, Kanazawa, and Ando at least by virtue of their dependency on their respective base claims. Additionally, for the reasons set forth above, the Applicants submit Kato cannot be relied to cure the above deficiencies.

For at least the reason provided above, the Applicants respectfully request the rejection of claims 6, 7, 37 and 41 under 35 U.S.C. § 103 as being obvious over the combination of Okada, Yoshimura, Kanazawa, Ando and Kato be withdrawn.

Claims 35-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa et al.), US 2002/0145702 (Kato), US 6,157,769 (Yoshimura), and further in view of US 2004/0141436 (Monaghan). Applicants respectfully traverse this rejection.

For the reasons set forth above, the Applicants submit claims 1 and 33-36 are nonobvious over the combination of Okada, Yoshimura, and Kanazawa because none of the references,

either individually, or in combination, disclose, at least: 1) “audio data for reproduction with the still images asynchronously”; and 2) “the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and the second duration information indicates a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.” Monaghan does not disclose or suggest, nor does the Examiner rely on Monaghan as disclosing or suggesting, the above discussed features. Accordingly, the Applicants submit claims 35-36 are nonobvious over the combination of Okada, Yoshimura, Kanazawa, and Monaghan at least by virtue of their dependency on their respective base claims. Additionally, for the reasons set forth above, the Applicants submit Kato cannot be relied to cure the above deficiencies.

For at least the reason provided above, the Applicants respectfully request the rejection of claims 35-36 under 35 U.S.C. § 103 as being obvious over the combination of Okada, Yoshimura, Kanazawa, Monaghan and Kato be withdrawn.

Claims 45-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,122,436 (Okada), US 6,580,870 (Kanazawa et al.), US 2002/0145702 (Kato), US 6,157,769 (Yoshimura), and further in view of US 2004/0141436 (Monaghan) as applied to claims 1-2, 4, 8-11, 13-15, 33-36, 38-40, and 42-44, and further in view of US 6,353,702 (Ando). Applicants respectfully traverse this rejection.

For the reasons set forth above, the Applicants submit claims 1 and 33-36 are nonobvious over the combination of Okada, Yoshimura, and Kanazawa because none of the references, either individually, or in combination, disclose, at least: 1) “audio data for reproduction with the still images asynchronously”; and 2) “the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and the second duration information indicates a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.” Neither Monaghan nor Ando disclose or suggest, nor does the Examiner rely on either Monaghan or Ando for disclosing or suggesting, the above discussed features. Accordingly, the Applicants submit claims 45-54 are nonobvious over the combination of Okada, Yoshimura, Kanazawa, Monaghan, and Ando at least by virtue of their dependency on their respective base claims.

For at least the reasons provided above, the Applicants respectfully request the rejection of claims 45-54 under 35 U.S.C. § 103 as being obvious over the combination of Okada, Yoshimura, Kanazawa, Monaghan, Ando and Kato be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By: 

Gary D. Yacura, Reg. No. 35,416
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/DMB:cfc